

Application No.: 10/535,619
Filing Date: January 4, 2006

REMARKS

Applicant acknowledges receipt of the Office Action mailed January 9, 2008. Claims 33-37 have been canceled to comply with a restriction requirement. Applicant also amended Claims 20, 21, 23-32, and 38, added Claims 41-87, and canceled Claim 22. The specification paragraph [0019] has been amended, and headings have been inserted before specification paragraphs [0001], [0002], [0015], [0020]. Applicant has carefully considered all of the rejections raised by the Examiner and responds thereto in detail below.

Discussion of Objection to the Specification

The Examiner objected to the specification for informalities. The Examiner stated that the specification should be amended to include headings, and paragraph [0019] should be amended to correct a mis-numbered figure. Applicant has amended the specification to include headings before specification paragraphs [0001], [0002], [0015], and [0020]. Applicant also amended paragraph [0019] of the specification to correct the numbering of Figure 4. Applicant submits that the specification is now in proper form and respectfully requests reconsideration of the objection.

Discussion of Objection to Claims 20, 23-32, and 38-40

The Examiner objected to Claims 20, 23-32 and 38-40 for informalities. The Examiner stated that the Claim 1 phrase “or similar device” is indefinite. Claim 1 has been amended to recite, “A device for sliding on snow,” and Claims 23-32 and 38 have also been amended to reflect this change. Applicant submits that Claims 20, 23-32 and 38-40 are now in proper form and respectfully requests reconsideration of the objection.

Discussion of Claims 20, 43, 58, and 73

Claims 20 and 22 stand rejected as anticipated by Sedlmair (U.S. Patent No. 5,524,919 A, hereinafter “Sedlmair”) under 35 U.S.C. §102(b). To be anticipatory under 35 U.S.C. § 102(b), a reference must teach each and every element of the claimed invention. Here, Applicant

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respectfully submits that Sedlmair does not anticipate because it does not teach each and every element of amended Claim 20.

Claim 22 has been canceled, and its limitations have been incorporated into independent Claim 20. Claim 20 now recites, “said mounting aid being **welded or bonded entirely without screws** to the top face of the device.”

The specification paragraph [0002] recites,

It must also be borne in mind, in addition, that the binding plates fastened by means of screws are so fastened, at least at one end, that they are displaceable in the longitudinal direction relative to the ski...The mentioned relative movability between binding plate and ski in the longitudinal direction of the ski naturally also influences the running performance of the ski to a not inconsiderable extent, so that the conventional constructions are distinguished by a number of disadvantages in terms of manufacturing technology and skiing technology, which the invention seeks to overcome.

The specification paragraph [0006] further recites that screw-fixing the binding requires holes to be formed in the skis, and “Such a procedure is usually not carried out until the skis are sold, and accordingly necessitates separate devices, which are expensive to produce and naturally also expensive to operate, requiring skilled service personnel.”

Sedlmair teaches, “the present invention relates to a binding adapter plate which reduces the stress on the binding attachment **screws** caused by the flexing or bending of the ski, and which allows the ski binding to be mounted higher above the surface of the ski.” Sedlmair at col. 1, lines 6-11. Applicant submits that Sedlmair does not teach “said mounting aid being **welded or bonded** to the top face of the device.” As a result, Applicant submits that Sedlmair does not anticipate Claim 20.

New independent Claim 43 also specifically excludes any screw attachment between the mounting aid or binding plate and the ski. New Claim 58 requires that the mounting aid or binding plate be secured over its entire surface with adhesive. New Claim 73 recites that the binding aid is encapsulated by the top face of the device. Therefore, Applicant submits that these claims are patentable for at least the same reasons as Claim 20. Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

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The Examiner also rejected other claims as unpatentable over Sedlmair in view of Billon (U.S. Patent No. 6,619,688 B2, hereinafter “Billon”) under 35 U.S.C. § 103(a). Billon does not cure the above noted deficiency of Sedlmair. Billon teaches, “The mounting platform (2) is secured to the board (1) by screwing in at least the front zone (8) and the central zone (7).” Billon at col 4, lines 46-48. Therefore, Applicant submits Sedlmair and Billon do not alone or in combination teach each element of independent Claims 20, 43, 58, and 73.

The impact the new mounting method has had on the ski community is very large. In fact, the applicant believes that about 90% of all ski competition medals have been won with skis equipped with a mounting plate according to the invention. Furthermore, sales of skis with mounting plates according to the invention have allowed the applicant to become a world leader in the business.

Discussion of Claims 21, 23-32, 38-42, 44-57, 59-72, and 74-87

Claims 21, 23, and 26-32 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Sedlmair, and Claims 24, 25, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sedlmair in view of Billon. Applicant respectfully disagrees. Claims 21, 23-32, 38-42, 44-57, 59-72, and 74-87 depend either directly or through another claim from independent Claims 20, 43, 58, and 73 and incorporate all the limitations recited therein. Applicant respectfully submits that for at least this reason, and their own features, these claims are patentable. Therefore, upon allowance of the independent claims, for at least the reasons discussed herein, Applicant respectfully submits that Claims 21, 23-32, 38-42, 44-57, 59-72, and 74-87 are allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

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application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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